

## 1 HOUSE BILL NO. 652

2 INTRODUCED BY D. HEDGES

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE DEPARTMENT OF FISH, WILDLIFE, AND  
5 PARKS SHALL CONTRACT WITH THE MONTANA STATE UNIVERSITY EXTENSION SERVICE FOR THE  
6 PURPOSE OF ADMINISTERING AND IMPLEMENTING THE UPLAND GAME BIRD ENHANCEMENT PROGRAM;  
7 AMENDING SECTIONS 18-1-102, 18-8-211, 87-1-246, 87-1-247, AND 87-1-250, MCA; REPEALING SECTIONS  
8 87-1-248 AND 87-1-249, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 18-1-102, MCA, is amended to read:

13 **"18-1-102. State contracts to lowest bidder -- reciprocity -- exception.** (1) ~~It~~ Except as provided in  
14 [section 5], in order to provide for an orderly administration of the business of the state of Montana in awarding  
15 public contracts for the purchase of goods and for construction, repair, and public works of all kinds, a public  
16 agency shall award:

17 (a) a public contract for construction, repair, or public works to the lowest responsible bidder without regard  
18 to residency. However, a resident bidder must be allowed a preference on a contract against the bid of a nonresident  
19 bidder from any state or country that enforces a preference for resident bidders. The preference given to resident  
20 bidders of this state must be equal to the preference given in the other state or country.

21 (b) a public contract for the purchase of goods to the lowest responsible bidder without regard to residency.  
22 However, a resident must be allowed a preference on a contract against the bid of a nonresident if the state or  
23 country of the nonresident enforces a preference for residents. The preference must be equal to the preference given  
24 in the other state or country.

25 (2) The preferences in this section apply:

26 (a) whether the law requires advertisement for bids or does not require advertisement for bids; and

27 (b) to contracts involving funds obtained from the federal government unless expressly prohibited by the  
28 laws of the United States or regulations adopted pursuant to federal laws."

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30 **Section 2.** Section 18-8-211, MCA, is amended to read:

1           **"18-8-211. Coordination with other statutes.** (1) This part need not be complied with by an agency when  
 2 the contracting authority makes a finding in accordance with this or any other applicable law that an emergency  
 3 requires the immediate execution of the work involved or when the contract is subject to [section 5]. This part does  
 4 not relieve the contracting authority from complying with applicable law limiting emergency expenditures.

5           (2) The limitation on the preparation of working drawings contained in 18-2-111 applies to this part.

6           (3) The procedure for appointment of architects and consulting engineers pursuant to 18-2-112 applies to  
 7 this part, except that the agency shall select its proposed list of three architects or consulting engineers in  
 8 accordance with this part prior to submission to the department of administration."

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10           **Section 3.** Section 87-1-246, MCA, is amended to read:

11           **"87-1-246. Funding of upland game bird enhancement program.** The amount of money specified in  
 12 this section from the sale of each hunting license listed must be used exclusively by the department to preserve  
 13 and enhance upland game bird populations in Montana in accordance with ~~87-1-246 through 87-1-249~~ 87-1-247 and  
 14 [section 5], subject to appropriation by the legislature:

- 15           (1) Class A-1, resident upland game bird, \$2;  
 16           (2) Class B-1, nonresident upland game bird, \$23;  
 17           (3) Class AAA, combination sports, \$2; and  
 18           (4) Class B-10, nonresident big game combination, \$23."

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20           **Section 4.** Section 87-1-247, MCA, is amended to read:

21           **"87-1-247. Authorized use of funds.** ~~(1) Not more than 15% of~~ The department shall use the money  
 22 generated under 87-1-246 may be used by the department to: contract with the Montana state university extension  
 23 service for the purpose of administering and implementing the upland game bird enhancement program as provided  
 24 in [section 5].

25 ~~—— (a) prepare and disseminate information to landowners and organizations concerning the upland game bird~~  
 26 ~~enhancement program;~~

27 ~~—— (b) review potential upland game bird release sites;~~

28 ~~—— (c) assist applicants in preparing management plans for project areas; and~~

29 ~~—— (d) evaluate the upland game bird enhancement program.~~

30 ~~—— (2) The remainder of the money raised must be used for releasing upland game birds in suitable habitat~~

1 ~~and for the development, enhancement, and conservation of upland game bird habitat in Montana.~~

2 ~~——— (3) (a) At least 15% of the funds collected under 87-1-246 must be set aside each fiscal year for~~  
 3 ~~expenditures related to upland game bird releases.~~

4 ~~——— (b) At least 25% of the funds set aside for upland game bird release must be spent each year."~~

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 6 **NEW SECTION. Section 5. Administration and implementation of upland game bird enhancement**

7 **program.** (1) The department shall enter into a contract with the Montana state university extension service to  
 8 administer and implement the upland game bird enhancement program.

9 (2) The contract must:

10 (a) be for a term of 10 years;

11 (b) provide reimbursement rates for each upland game bird released through the program;

12 (c) provide reimbursement rates for each type of habitat improvement or enhancement project;

13 (d) provide funds for hiring of necessary staff, including graduate students when appropriate;

14 (e) provide funds necessary for the Montana state university extension service to successfully administer  
 15 and implement the program;

16 (f) provide for reimbursement of educational materials and programs; and

17 (g) include any other terms or program features that are determined necessary by the Montana state  
 18 university extension service.

19 (3) The Montana state university extension service shall adopt:

20 (a) management practices for program projects using the best available science and information;

21 (b) an application and review process;

22 (c) standards that must be met for the release of upland game birds under the program; and

23 (d) any other necessary standards, practices, or procedures for successful implementation and  
 24 administration of the program.

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26 **Section 6.** Section 87-1-250, MCA, is amended to read:

27 **"87-1-250. Report.** The department Montana state university extension service shall report to the fish and  
 28 game committee of each house of the legislature concerning upland game bird enhancement activities undertaken  
 29 pursuant to 87-1-246, 87-1-247, and [section 5] ~~through 87-1-249~~ during the preceding biennium, together with any  
 30 recommendations concerning the operation of the program."

